



February 22, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 11562
Houston, Texas 77251-1562

OR99-0516

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122261.

The City of Houston received a request for “a copy of the sworn statement from Det. R.J. French” regarding an investigation of the Office of Inspector General and “[t]he run records for Medic 18” for a particular time period. You state that you are making the run records available to the requestor. You contend that the sworn statement is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with provisions of chapter 143 of the Local Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code excepts from disclosure information deemed confidential by statutes such as section 143.1214 of the Local Government Code. Section 143.1214(b) provides in part:

The department shall maintain . . . any document in the possession of the department that relates to a charge of misconduct against a fire fighter or police officer that the department did not sustain, only in a file created by the department for the department’s use. The department may not release those documents to any agency or other person except another law enforcement agency or fire department.

Local Gov’t Code § 143.1214(b).

You state that the sworn statement is a “document located in the file of the Houston Fire Department Internal Affairs Unit of the Office of Inspector General (“the OIG”).” You inform us that the OIG is presently investigating the case to which the sworn statement relates “for administrative discipline purpose.” You state that “to date, no disciplinary action has been taken by the City with respect . . . to the incident in question.” The sworn statement is a document which relates to a charge of misconduct against a fire fighter. Because the OIG has not sustained the charge of misconduct, we conclude that sworn statement is confidential pursuant to section 143.1214(b) of the Local Government Code and must be withheld from disclosure under section 552.101 of the Government Code. *See* Open Records Decision No. 642 (1996) (applying section 143.1214 to documents relating to investigation conducted by Houston Police Department’s Public Integrity Review where investigation concluded that allegations were unfounded).¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH\ch

Ref.: ID# 122261

Enclosures: Submitted documents

cc: Mr. Robert Jackson
750 North Shirley
Alvin, Texas 77511
(w/o enclosures)

¹We have determined that section 143.089(e) of the Local Government Code does not give a police officer or fire fighter a right of access to the internal file that the police or fire department maintains on the police officer or fire fighter for its own use. Open Records Letter No. 98-0355 (1998).